REMARKS/ARGUMENTS

The Office Action mailed October 3, 2007 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Claims 1, 10, 17, 23, 25, and 27 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, such as in paragraphs [0185] and [0187].

The 35 U.S.C. § 112, First Paragraph Rejection

Claims 23, 25, and 27 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This objection is respectfully traversed. Claims 23, 25, and 27 have been amended to "using a unique identifier transmitted to a third party server." Accordingly, it is respectfully asserted that the claims meet the standard under 35 U.S.C. § 112, second paragraph. It is respectfully requested that this rejection be withdrawn.

The 35 U.S.C. § 103 Rejection

Claims 1-15, 17-19 and 21-27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Crevelt et al. (USP 5,902,983) in view of Johnson (US 2001/0031663 A1), among which claims 1, 10 and 17 are independent claims. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.) § 2143,

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in Crevelt except that "Crevelt does not expressively teach that the player is prevented from playing the plurality of gaming devices based upon a predetermined criteria and the player's financial loss (claim 1), wherein the predetermined criteria is a predetermined period of time (Claim 21)." The Office Action further contends that Johnson discloses that the player is prevented from playing the plurality of gaming devices based upon a predetermined criteria and the player's financial loss, wherein the predetermined criteria is a predetermined period of time" and that it "would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Crevelt such that the player is prevented from playing the plurality of gaming devices based upon a predetermined criteria and the player's financial loss, ... in order to help curb gambling problems as well as jurisdictional restrictions regarding gambling loss limits." The Office Action further contends that Crevelt teaches "automatically creating a data file for the player if there is no data file associated with the player (col. 8, lines 42-61; col. 9, lines 1-29 – The player's financial account information is electronically accessed. When the player set up her/her account, a processing device must have automatically, i.e. through the use of a machine/computer/processor, created a data file for that account. It should also be noted that this step is not tied into any structural element of the apparatus and therefore will not server to distinguish the claimed apparatus over the prior art)." Applicants respectfully disagree for the reason, among others, set forth below.

Amended Claim 1 provides for "means for automatically creating a data file for the player at the financial transaction host if there is no data file associated with the player". Claims 10 and 17 provide for a similar feature. As previously stated and as provided in the Specification, "in one embodiment, a player may obtain funds from an outside source, such as from a bank or other financial institution by use of an ATM card or credit card. This request is routed through the financial server 120. When a player places such a request, if an account is not already created for the player, one is created." (Specification, paragraph [0185]). Thus, the financial transaction host may create a data file for the player if no data file is associated with the player.

The prior art references, when combined, do not teach the claimed limitation of "automatically creating a data file for the player at the financial transaction host if there is no data

file associated with the player" and can not be said to render the claimed invention obvious. As to dependent claims 2-9, 11-15, 18-19 and 21-27, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance. It is respectfully requested that this rejection be withdrawn.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited and Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 500388 (Order No. IGT1P130X2).

Respectfully submitted,
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